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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,255	11/08/2000	Brett T. Hannigan	P0243	3458

23735   7590   09/16/2002

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EXAMINER
RADA, ALEX P

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/709,255	HANNIGAN ET AL.
	Examiner	Art Unit
	Alex P. Rada	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 May 2001_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: Claim 20 should

have the word "further comprises" instead of the word that. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claims 15-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject

matter which was not described in the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. Claims 15-19 fail to describe in the specification how one skilled in the art would

sense a gesture from an image data to cause different events or actions to take place.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

In claim 15, the phrase, "sensing a gesture from the image data" is vague and indefinite

because the "sensing a gesture from the image data" cannot be determined. How does one sense

a gesture?

In claim16, the phrase, "one gesture causes a page from the book to be read-aloud again" is vague and indefinite because the one gesture causing a page from the book to be read-aloud cannot be determined. How can one gesture cause a page from the book to read-aloud again?

In claim 17, the phrase, "one gesture controls volume of audio" is vague and indefinite because the one gesture controls volume of audio cannot be determined. How does one gesture control volume?

In claim 18, the phrase, "one gesture causes text from the book to be read aloud at a faster speed" is vague and indefinite because the one gesture causing text from the book to be read aloud at a faster speed cannot be determined. How can one gesture cause a text from the book to be read aloud at a faster speed?

In claim 19, the phrase, "one gesture causes text read-aloud from the book to be read using a different voice is vague and indefinite because the one gesture causing a text to be read aloud cannot be determined. How can one gesture cause a text to be read aloud?

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond `336 in view of Rhoads `214.

8.   Diamond discloses a toy having two eyes, an image sensor having a two-dimensional array of optical sensing elements being position to view out of at least one eye, a speaker, and a processor coupled to the image sensor and speaker as recited in claims 1 and 2. The action is music being played back as recited in claim 7. Diamond does not expressly disclose a steganographic watermark detector for sensing steganographic watermark data on the objects to trigger a response/action. The response to the action is speech-reciting text as recited in claim 3. The speech is assembled from component phonemes or common word recorded by a person (child or child's family member) as recited in claims 4 and 5. The speech phonemes or common words correspond to a celebrity voice as recited in claim 6. Retrieving artwork from a data store and printing the artwork fro coloring as recited in claim 8. Linking to an Internet web site related to a book or subject matter as recited in claim 9. Linking to an interactive multiplayer game related to the book or its subject matter as recited in claim 10. The speech incorporates both texts from the book and substitute words as recited in claim 11. The substitute words being retrieved from a local store as recited in claim 12. Soliciting words from a child and recording the child's words and using the recorded words as substitute words as recited in claim 13. The substitute words customize the book text to a particular child or locale as recited in claim 14. The sensing of a gesture from the image data and controlling a plurality of different actions as recited in claims 15-20. Rhoads teaches a steganographic watermark detector for sensing steganographic watermark as recited in claims 1 and 2. The speech is assembled from component phonemes or common word recorded by a person (child or child's family member) as recited in claims 4 and 5. The speech phonemes or common words correspond to a celebrity voice as recited in claim 6. Retrieving artwork from a data store and printing the artwork fro coloring as

recited in claim 8. Linking to an Internet web site related to a book or subject matter as recited

in claim 9. Linking to an interactive multiplayer game related to the book or its subject matter as

recited in claim 10. The speech incorporates both texts from the book and substitute words as

recited in claim 11. The substitute words being retrieved from a local store as recited in claim

12. Soliciting words from a child and recording the child's words and using the recorded words

as substitute words as recited in claim 13. The substitute words customize the book text to a

particular child or locale as recited in claim 14. The sensing of a gesture from the image data

and controlling a plurality of different actions as recited in claims 15-20. By having a

steganographic watermark, one of ordinary skill in the art would be able to fully interactive toy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention was made to modify Diamond to include a steganographic watermark

detector for sensing steganographic watermark, a speech-reciting text, the speech is assembled

from component phonemes or common word recorded by a person (child or child's family

member), the speech phonemes or common words correspond to a celebrity voice, retrieving

artwork from a data store and printing the artwork fro coloring, linking to an Internet web site

related to a book or subject matter, linking to an interactive multiplayer game related to the book

or its subject matter the speech incorporates both texts from the book and substitute words, the

substitute words being retrieved from a local store, soliciting words from a child and recording

the child's words and using the recorded words as substitute words, the substitute words

customize the book text to a particular child or locale, the sensing of a gesture from the image

data and controlling a plurality of different actions as taught by Rhoads. To do so would be able

to provide universal communication with a variety of basic home or office devices.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Price `919 discloses a noise-generating toy including first and second optical sensor to

detect the intensity in light in first and second optical fields, respectively.

Rhoads `031 discloses a multiple digital watermarks each having different characteristics,

which are embedded in a document.

Russell `248 discloses a novel transaction-enabling method and system for enabling Java-

Applet embedded within an HTML-encoded document stored in an HTTP server at a

predetermined URL.

Bloomberg `686 discloses an encoding operation encodes binary data that is embedded in

an iconic or a sized-reduced version of an original text image.

Fishkin `540 discloses a zoomorphic computer for controlling a computer system

including an animal or humanoid shaped shell having an attached transceiver for two-way

communication with a computer system.

Goodwin `213 discloses a portable toy having an audio signal producer provided with a

book.

King `659 discloses a document interpreting system having a graphics tablet on which a

stack of documents, e.g., a book, to be interpreted with graphics tablet.

Williams `700 discloses an integration of multimedia materials with didactic printed

material preset selected relevant multimedia material in response to the sensing of control codes

embedded in context sensitive and/or content sensitive didactic printed material.

Iggulden`515 discloses a printed book having an associated certain electronically stored data in the form of images, sounds and /or supplemental text.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Alex P. Rada
Examiner
Art Unit 3713

APR
apr
September 9, 2002
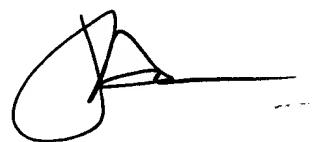
JESSICA HARRISON
PRIMARY EXAMINER